

# Exhibit 9



401 9<sup>th</sup> St. NW, Suite 1001  
Washington, DC 20004  
o. 202.232.5504 f. 202.232.5513

**Linda Singer**  
*Licensed in DC, NY*  
direct: 202.386.9626  
lsinger@motleyrice.com

"I will stand for my client's rights.  
I am a trial lawyer."  
—Ron Motley (1944–2013)

May 13, 2021

**VIA ELECTRONIC MAIL**

Jonathan K. Hoerner  
Trial Attorney  
U.S. Department of Justice  
Civil Division, Fraud Section  
175 N Street, N.E. - Room 10.1332  
Washington, DC 20002  
[Jonathan.K.Hoerner@usdoj.gov](mailto:Jonathan.K.Hoerner@usdoj.gov)

David M. Sobotkin  
Trial Attorney  
Fraud Section | Civil Division  
U.S. Department of Justice  
Three Constitution Square  
175 N Street NE- Room 9.116  
Washington, D.C. 20002  
[David.M.Sobotkin@usdoj.gov](mailto:David.M.Sobotkin@usdoj.gov)

Natalie A. Waites  
Assistant Director  
United States Department of Justice  
Civil Division/Fraud Section  
175 N Street, N.E., Room 10.222  
Washington, D.C. 20002  
[Natalie.A.Waites@usdoj.gov](mailto:Natalie.A.Waites@usdoj.gov)

RE: *City of Huntington, West Virginia et al v. AmerisourceBergen Drug Corporation et al*

Counsel:

As you may know, Defendants in the MDL Track Two litigation in the Southern District of West Virginia have objected to the admission of the testimony of Thomas Prevoznik on the ground, *inter alia*, that the 30b6 testimony of a third party is not admissible. That issue is currently being briefed to the Court.

In the interim, in order to allow Plaintiffs to fully present their case, we wanted to advise you that we may require the testimony of Mr. Prevoznik in person at trial. Mr. Prevoznik's testimony is essential to several critical, contested issues in the case, including the DEA's guidance and notice to Defendants regarding

their obligations under the Controlled Substances Act and the DEA's enforcement of the CSA against these Defendants.<sup>1</sup> In the event that the Court rules that the deposition is not admissible, we will issue a trial subpoena and *Touhy* request. Prior to initiating that process, please advise whether and when Mr. Prevoznik would be available to appear.

Sincerely,  
Linda Singer

cc: Anthony Majestro, [amajestro@powellmajestro.com](mailto:amajestro@powellmajestro.com)  
David Ackerman, [dackerman@motleyrice.com](mailto:dackerman@motleyrice.com)

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<sup>1</sup> The same issue may arise with other DEA 30b6 designees, including Stacy Harper-Avila whose testimony regarding the DEA's authorization of quota for opioids is also at issue.